

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**GRAHAM-FIELD, INC., et al.**

**Plaintiffs,**

**v.**

**TUFFCARE, INC.**

**Defendants.**

**CIVIL NO. 98-1306 (DRD)**

MOTION	ORDER
<p><b>Date Filed:</b> 12/17/03  <b>Docket #</b><u>202</u>  <input type="checkbox"/> <b>Plaintiff</b>  <input checked="" type="checkbox"/> <b>Defendant</b>  <b>Title:</b> Motion for Summary Judgment</p>	<p><b>DENIED.</b> The Defendant has failed to attach a Supporting Statement of Material Facts pursuant to Rule 56(b), <u>Local R.</u> The statement provided by the Defendant fails to comply with the rule since it is not “set forth in numbered paragraphs”. The Defendants’ filed <i>Statement of Material and Uncontested Facts</i> is a mixture of facts and conclusive allegations and self-serving conclusions of law. See <u>Ayala-Gerena v. Bristol Myers-Squibb, Co.</u>, 95 F.3d 86, 95 (1<sup>st</sup> Cir. 1996); <u>Stepanischen v. Merchants Despatch Transp. Corp.</u>, 722 F.2d 922, 930-31 (1<sup>st</sup> Cir. 1983); <u>Dominguez v. Elli Lilly &amp; Co.</u>, 958 F.Supp. 721, 727 (D.P.R. 1997). The Court will not seek for a needle in the haystack. <b>The parties are advised that Motions for Summary Judgment and their corresponding Oppositions shall be filed pursuant to Rule 56, Local R.</b></p>
<p><b>Date Filed:</b> 1/16/04  <b>Docket #</b><u>221</u>  <input checked="" type="checkbox"/> <b>Plaintiff</b>  <input type="checkbox"/> <b>Defendant</b>  <b>Title:</b> Urgent Motion to Reschedule the Conference that was to be held on December 29, 2003</p>	<p><b>MOOT.</b> The Court issued an Order scheduling a Status Conference. See Docket No. 223.</p>

<p><b>Date Filed: 01/30/04</b>  <b><u>Docket #231</u></b>  <input checked="" type="checkbox"/> <b>Plaintiff</b>  <input type="checkbox"/> <b>Defendant</b>  <b>Title:</b> Counter-Motion for Summary Judgment Under Robinson-Patman</p>	<p><b>DENIED.</b> The Court's Standing Order issued on November 26, 2003 clearly states that: "[N]o motion shall exceed twenty-five (25) typewritten pages, doubled spaced. (excluding evidentiary exhibits, appendices and addenda). Almost anything worth saying can be said in less than twenty-five pages. Hence, parties are advised that the court will simply stop reading after page number 25, and any motion filed in violation of this maximum <b>shall be summarily DENIED</b>, albeit without prejudice of its being re-filed after proper pruning. On rare occasions, the Court will consider a request to file a motion exceeding twenty-five pages in length, but only when such request is made <b>prior to the filing</b> of this motion, and only for exceptionally good cause shown".</p> <p>The Plaintiff's motion fails to comply with this Standing Order since it exceeds the maximum page number limit, and prior leave to file in excess of such limit was not requested from the Court. (See Rule 56, <u>Local R.,</u>)</p>
<p><b>Date Filed: 02/01/04</b>  <b><u>Docket #241</u></b>  <input type="checkbox"/> <b>Plaintiff</b>  <input checked="" type="checkbox"/> <b>Defendant</b>  <b>Title:</b> Motion in Payment of Sanctions</p>	<p><b>NOTED.</b></p>
<p><b>Date Filed: 03/03/04</b>  <b><u>Docket #249</u></b>  <input type="checkbox"/> <b>Plaintiff</b>  <input checked="" type="checkbox"/> <b>Defendant</b>  <b>Title:</b> Motion Requesting the Court to Re-examine the Need for the Second Amended Complaint &amp; Reinstate Defendants' Motion to Dismiss Count II</p>	<p><b>DENIED.</b> The Court has examined the Minutes of the Proceedings for the Status Conference held on February 19, 2004. Such examination does not show that the Plaintiff requested the voluntary dismissal against the "Chang Co-defendants" nor have the Plaintiff filed a motion requesting the voluntary dismissal against said Co-defendants.</p>

<p><b>Date Filed: 03/04/04</b>  <b><u>Docket #251</u></b>  <input type="checkbox"/> <b>Plaintiff</b>  <input checked="" type="checkbox"/> <b>Defendant</b>  <b>Title:</b> Motion to Reconsider E1's Request for Leave to Reply to Plaintiff's Opposition to Our Motion for Summary Judgment</p>	<p><b>MOOT.</b> See Ruling on Docket No. 202.</p>
<p><b>Date Filed: 04/12/04</b>  <b><u>Docket #254</u></b>  <input checked="" type="checkbox"/> <b>Plaintiff</b>  <input type="checkbox"/> <b>Defendant</b>  <b>Title:</b> Plaintiffs' Motion for Permission to File a Reply Memo</p>	<p><b>MOOT.</b> See Ruling on Docket No. 231.</p>
<p><b>Date Filed: 04/28/04</b>  <b><u>Docket #255</u></b>  <input type="checkbox"/> <b>Plaintiff</b>  <input checked="" type="checkbox"/> <b>Defendant</b>  <b>Title:</b> Motion to Dismiss Complaint for Trustee's Failure to Post Non-Resident Bond</p>	<p><b>DENIED.</b> The Trustee is <b>ORDERED</b> to deposit on or before the <b>16<sup>th</sup> day of August 2004 at noon</b> in the Clerk's Office the amount of <b>ONE THOUSAND DOLLARS</b> as non-resident bond. <b>Failure to comply with this ORDER shall result in the dismissal of the case.</b>  <b>NO EXTENSIONS SHALL BE GRANTED.</b></p>

**IT IS SO ORDERED.**

At San Juan, Puerto Rico, this 2<sup>nd</sup> day of August 2004.

**S/DANIEL R. DOMINGUEZ**  
**DANIEL R. DOMINGUEZ**  
**U.S. DISTRICT JUDGE**